

MINUTES

**MONTANA SENATE
58th LEGISLATURE - REGULAR SESSION**

COMMITTEE ON AGRICULTURE, LIVESTOCK AND IRRIGATION

Call to Order: By **CHAIRMAN KEITH BALES**, on February 14, 2003 at 3 P.M., in Room 422 Capitol.

ROLL CALL

Members Present:

Sen. Keith Bales, Chairman (R)
Sen. Dale Mahlum, Vice Chairman (R)
Sen. Ken (Kim) Hansen (D)
Sen. Linda Nelson (D)
Sen. Gerald Pease (D)
Sen. Corey Stapleton (R)
Sen. Mike Taylor (R)
Sen. Joseph (Joe) Tropila (D)
Sen. Walter McNutt (R)
Sen. Sam Kitzenberg (R)

Members Excused: None.

Members Absent: None.

Staff Present: Jennifer Stephens, Committee Secretary
Doug Sternberg, Legislative Branch

Please Note. These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing & Date Posted:
Executive Action: HB 311, HB 181

EXECUTIVE ACTION ON HB 311

Motion: SEN. TAYLOR moved that HB 311 BE CONCURRED IN.

Discussion:

SEN. KEITH BALES said, knowing the Montana Dairy Associations fiscal nature, he has no problem supporting the bill.

Vote: Motion that HB 311 BE CONCURRED IN carried unanimously.

EXECUTIVE ACTION ON HB 181

Motion: SEN. HANSEN moved that HB 181 BE CONCURRED IN.

Motion: SEN. STAPLETON moved that HB 181 BE AMENDED.

Discussion:

SEN. COREY STAPLETON asked that HB 181 be amended on page 3, line 6 to read "euthanasia technician or adult". Also, page 4, line 4 and the wording in the title of the bill would be changed to include "adult". SEN. STAPLETON announced that he had received a copy of the current veterinary rules that describe the responsibilities of support personnel. He read these lines from the rule sheet: "support personnel shall not diagnose, initiate treatment, perform surgery, or prescribe medicine". Also, "support personnel may only administer anesthesia when the supervising veterinarian is physically present". SEN. STAPLETON said he had no problem with the direction of HB 181, but he is concerned about the current veterinary rules not concurring with the bill. He also said that without having a veterinarian present during the administering of euthanasia, he would worry about narcotics being in the hands of minors. Also, there is nothing in the bill that restricts a minor from taking euthanasia training.

SEN. JOSEPH TROPILA asked Stuart Dogget, MT Veterinary Medicine Association, to give his comments on the amendment.

Stuart Dogget, MT Veterinary Medicine Association, said that there are other members of the MT Veterinary Medical Association as well as himself that do not agree with how SEN. STAPLETON is interpreting the veterinary rules. Mr. Dogget does not feel that the rules need to be changed.

SEN. STAPLETON asked **Mr. Dogget** where it specifically states in the list of rules that support personnel shall not prescribe medicine. **Mr. Dogget** said that euthanasia is not prescribing medicine. He also responded to the question by asking where **SEN. STAPLETON** sees it written in the rules that euthanasia is prohibited. **SEN. STAPLETON** agreed by saying that it is not described in the rule sheet. **SEN. STAPLETON** also asserted that euthanasia is a much greater responsibility than the procedures that support personnel are not currently permitted to perform. These non-permitted procedures included diagnoses, initiating treatment, performing surgery, and prescribing medication. **SEN. STAPLETON** said euthanasia is too great a responsibility to ask of support personnel, especially those who are minors. **Mr. Dogget** disagreed. He again said that that is not the way veterinarians interpret the rules.

Cherl Bramet, Board of Veterinary Medicine, said that the veterinary board had passed their list of rules through legal counsel without any problems. She asked that the committee understand that the person administering the euthanasia would be under the supervision of a veterinarian in a clinic, therefore, a veterinarian would have seen the animal that is to be euthanized. The personnel would just be in charge of drawing the solution and administering it to the animal.

SEN. KEITH BALES asked if the rules gave the support personnel the authority to administer drugs other than under the direct supervision and orders of a veterinarian. **Ms. Bramet** said that there are two provisions; one where the veterinarian is physically there and another where the veterinarian has just given his consent. **SEN. BALES** emphasized that the direction of HB 181 was to authorize technicians to be able to euthanize animals without the authority of a veterinarian over them.

SEN. STAPLETON agreed with **SEN. BALES** point and said the ambiguity of the veterinary rules needed to be changed, even if they made perfect sense to most veterinarians.

Doug Sternberg, Legislative Staffer, said that when you look at the administrative rule, supervising veterinarians presently are allowed to direct support personnel to perform animal health care tasks. The responsibility for determining the competency of the personnel lies with the veterinarian in all cases. Veterinarians prior to this time interpreted the law to allow support personnel to conduct euthanasia when under the direct supervision of a veterinarian. Even though the veterinarian rules do not specifically list personnel administering euthanasia, it is understood that the veterinarian is responsible for the actions

of the support person. He thinks that is why euthanasia has been an allowed activity up until now.

SEN. STAPLETON asked **Mr. Sternberg** for his interpretation of the rule that says personnel shall not administer medicine. **Mr. Sternberg** said the actual prescription of the medicine would have to be made by the veterinarian.

SEN. BALES asked if the veterinary rules would have to be modified if HB 181 was adopted into law. **Mr. Sternberg** said yes because the rule making authority in the new act does direct the veterinary board to make some changes, including new rules regarding controlled substances and implications of the new euthanasia training program.

SEN. TAYLOR asked if a veterinarian could be off the premises when euthanasia is taking place if the bill was passed. **Mr. Sternberg** said yes. However, if anesthesia has to be administered, the veterinarian must be physically present.

SEN. NELSON said if the amendment raised the comfort level of **SEN. STAPLETON**, she wouldn't be opposed. She does not see the amendment really affecting the point of the bill.

Mr. Sternberg explained the veterinary rules again and added that if a veterinarian felt that a support person of any age was not competent enough to administer euthanasia, they would not give their consent, no matter what the person's age. He said the rule is not age specific; the determination lies with the veterinarian.

SEN. TAYLOR wanted to know if a minor who was trained to be a certified euthanasia technician could preform euthanasia if **SEN. STAPLETON'S** amendment did not pass. **Mr. Sternberg** said yes, a trained minor could administer euthanasia.

SEN. DALE MAHLUM said that he had spoken to a veterinarian from his district who was in full support of HB 181.

{Tape: 1; Side: B}

SEN. BALES said he didn't necessarily think the bill needed to be amended, but he would like the veterinarian board to take a closer look at their rules. He thinks the board is very conscious and can make their own adjustments to their rules.

SEN. WALTER MCNUTT agreed with **SEN. BALES**.

SEN. STAPLETON strongly disagreed with **SEN. BALES** because he thinks that controlled substances should not be in the hands of minors. Furthermore, even if the committee is confident that a veterinarian would not ask a minor to euthanize an animal, it should be in writing that no minor should be allowed. **SEN. STAPLETON** thinks that the veterinary laws should be amended because none of the laws specify euthanasia, something he thinks should not be taken lightly. He said he could think of no other situation where it was acceptable to but controlled substances in the hands of minors so HB 181 would be setting a bad precedent. He agreed with the direction of the bill, but he said he would not support it unless amendments were made.

Vote: Motion that **HB 181 BE AMENDED failed 2-8 with STAPLETON and TAYLOR voting aye.**

Motion/Vote: **SEN. BALES** moved that **SB 181 BE CONCURRED IN.**
Motion carried 9-1 with STAPLETON voting no.

ADJOURNMENT

Adjournment: 4 P.M.

SEN. KEITH BALES, Chairman

JENNIFER STEPHENS, Secretary

KB/JS

EXHIBIT (ags33aad)